

Please replace the paragraph on page 131, line 28 through page 132, line 4 with the following paragraph:

C9  
Microcompetition decreases binding of GABP to the N-box. Oxidative stress also decreases the binding of GABP to the N-box. Therefore, microcompetition can be viewed as "excessive oxidative stress." Some antioxidants reduce intracellular oxidative stress. These antioxidants stimulate the binding of GABP to the N-box attenuating the effect of microcompetition on transcription, resulting in slower progression of the microcom[er]petition diseases.

**In the Claims:**

Pursuant to 37 C.F.R. § 1.121(c)(1), please cancel the following claims and add the following new claims:

**Please cancel claims 1-25 and 46-50.**

Please add the following new claims:

C10  
51. (New) A method for evaluating the ability of a compound to affect gene expression, the method comprising the steps of:

- a) selecting a cellular transcription complex, wherein the transcription complex is limiting;
- b) selecting a viral polynucleotide, wherein the viral polynucleotide can bind the transcription complex;
- c) selecting a compound of interest;
- d) combining the compound with a system, wherein the system includes a known copy number of the viral polynucleotide;
- e) assaying the copy number of the viral polynucleotide in the system after the combination; and
- f) identifying whether the compound can modify the copy number.

52. (New) The method of claim 51, wherein the cellular transcription complex includes a protein selected from the group consisting of p300 and cbp.

53. (New) A method for evaluating an effectiveness of a compound for use in modulating progression of a disease, the method comprising the steps of:

- a) selecting a cellular transcription complex, wherein the transcription complex is limiting;
- b) selecting a viral polynucleotide, wherein the viral polynucleotide can bind the transcription complex;
- c) selecting a compound of interest;
- d) combining the compound with a system, wherein the system includes a known copy number of the viral polynucleotide;
- e) assaying the copy number of the viral polynucleotide in the system after the combination; and
- f) identifying whether the compound can modify the copy number.

54. (New) The method of claim 53, wherein the cellular transcription complex includes a protein selected from the group consisting of p300 and cbp.

55. (New) The method of claim 53, wherein the disease is cancer.

56. (New) The method of claim 53, wherein the disease is atherosclerosis.

57. (New) The method of claim 53, wherein the disease is osteoarthritis.

58. (New) The method of claim 53, wherein the disease is obesity.

59. (New) A method for evaluating the ability of a compound to affect gene expression, the method comprising the steps of:

- a) selecting a cellular transcription complex, wherein the transcription complex includes a GABP trans-acting regulatory protein;
- b) selecting a viral polynucleotide, wherein the viral polynucleotide can bind the transcription complex;
- c) selecting a compound of interest;
- d) combining the compound with a system, wherein the system includes a known copy number of the viral polynucleotide;

e) assaying the copy number of the viral polynucleotide in the system after the combination; and

f) identifying whether the compound can modify the copy number.

60. (New) A method for evaluating an effectiveness of a compound for use in modulating progression of a disease, the method comprising the steps of:

a) selecting a cellular transcription complex, wherein the transcription complex includes a GABP trans-acting regulatory protein;

b) selecting a viral polynucleotide, wherein the viral polynucleotide can bind the transcription complex;

c) selecting a compound of interest;

d) combining the compound with a system, wherein the system includes a known copy number of the viral polynucleotide;

e) assaying the copy number of the viral polynucleotide in the system after the combination; and

f) identifying whether the compound can modify the copy number.

61. The method of claim 60, wherein the disease is cancer.

62. The method of claim 60, wherein the disease is atherosclerosis.

63. The method of claim 60, wherein the disease is osteoarthritis.

64. The method of claim 60, wherein the disease is obesity.

## REMARKS

The office action of May 21, 2002 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 26 through 45 and 51-64 remain in this case, claims 51-64 being added and claims 1-25 and 46-50 being cancelled by this response. No new matter has been added.

Applicant reserves the right to pursue nonelected claims 1-25 in a divisional application. Although claims 26-45 have not been examined, Applicant reserves the right to consideration of additional species if a generic claim is deemed allowable.